

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ATLANTIC CAPES FISHERIES, INC. and,
BJ'S SERVICE CO., INC.

Defendants

C.A. No. 1:17-cv-11860-PBS

JOINT STATUS REPORT REGARDING PLAINTIFF'S MOTION TO COMPEL

Pursuant to the Court's Order (Dkt. 83), Plaintiff Equal Employment Opportunity Commission ("EEOC") and Defendant Atlantic Capes Fisheries, Inc. ("ACF")¹ provide this Status Report addressing the issues raised in Plaintiff's Motion to Compel Defendant Atlantic Capes Fisheries, Inc. ("ACF") to Produce Responsive Documents (Dkt. 62).

1. Personnel files of Hilcia Guarcas, Richard DeSousa, Eddy Gomez and Hilda Ortiz

On May 24, 2018, the Court endorsed the Stipulation and Order Regarding Confidential Information (Dkt. 85). Counsel for EEOC and ACF have conferred as to certain categories of information that, although maintained in ACF's personnel files, ACF need not produce in response to EEOC's Document Request Nos. 5, 7, 8 and 9. ACF will provide materials responsive to these requests – which had previously been withheld based on ACF's objection to producing confidential information – no later than June 6, 2018.

¹ Although the Court's order directs the parties to submit a status report, because the underlying motion concerns a discovery dispute limited to EEOC and ACF, EEOC and ACF jointly submit this report.

2. ACF's policies and procedures related to sex harassment

ACF will produce any policy or practice adopted by ACF at any time concerning sex discrimination, sex harassment, and/or retaliation (EEOC Document Request No. 11) no later than June 11, 2018.

3. Warnings issued to Charging Parties Mirna Pacaja and Esdeyra Rosales

On May 7, 2018, ACF supplemented its discovery production which included documents responsive to EEOC Document Request No. 16 seeking documents concerning written or verbal warnings issued by ACF to production workers in ACF's Fall River facility. This production included electronically-stored information located by searching the computer drives and email account of ACF's former Human Resources manager, Patricia Ladino and other previously agreed-to custodians, as well as a review of ACF's paper files containing warnings/reports to ACF's Fall River production workers. With respect to Ms. Ladino's email account, that search was limited to the period beginning in December 2015.

ACF has agreed to conduct targeted searches of Ms. Ladino's full existing ACF email account, without temporal limitation, for any documents related to any verbal or written warnings issued to either Ms. Pacaja or Ms. Rosales. It will complete those searches, and produce any responsive documents identified, no later than June 11, 2018.

4. Items identified on ACF's privilege log

On May 22, 2018, ACF provided EEOC with the documents identified on its privilege log as ACF PRIV 00067 and ACF PRIV 00092-94.

EEOC and ACF state that, pending ACF's production of the materials described above, the issues raised in Plaintiff's Motion to Compel (Dkt. 62) have been resolved. EEOC maintains the right to raise these issues with the Court, again, should ACF fail to produce the documents

described above by the corresponding dates. Should the EEOC raise such issues, ACF maintains its right to object.

Date: May 30, 2018

Respectfully submitted,

ATLANTIC CAPES FISHERIES, INC., <u>/s/ Jessica S. Jewell</u> Stacie B. Collier (BBO #645172) Jessica S. Jewell (BBO #679489) NIXON PEABODY LLP 100 Summer Street Boston, MA 02110 (617) 345-1000 (telephone) (617) 345-1300 (fax) sbcollier@nixonpeabody.com jsjewell@nixonpeabody.com	U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION <u>/s/ Sara Smolik</u> SARA SMOLIK (BBO#661341) Senior Trial Attorney U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Boston Area Office John F. Kennedy Federal Building Room 475 Boston, MA 02203-0506 (617) 565-3207 (telephone) (617) 565-3196 (fax) sara.smolik@eeoc.gov ADELA SANTOS Senior Trial Attorney U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION New York District Office 33 Whitehall Street, 5 th Floor New York, NY 10004-2112 (212) 336-3696 adela.santos@eeoc.gov
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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2018 I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which then electronically notified all those registered as CM/ECF participants in this case.

/s/ Sara Smolik
Sara Smolik